

STATE OF INDIANA)
) SS:
COUNTY OF LAKE) CROWN POINT, INDIANA

DINEEN JOHNSON,

Plaintiff,

V.

WAL-MART STORES EAST, LP,)
WALMART, INC., C.P. FOOD)
PRODUCTS INC. d/b/a CAPTN'S PACK, and))
C.P. FOODS USA,)

Defendants.

) Cause No.: 45D10-2202-CT-000165

FILED IN OPEN COURT

May 18, 2022

R. R. Adat-Lopez

88

JUDGE, LAKE SUPERIOR COURT,
CIVIL DIVISION, ROOM 6

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FIRST AMENDED COMPLAINT FOR DAMAGES AND JURY DEMAND

COUNT I

Comes now the plaintiff, Dineen Johnson, by counsel, Julie A. Dugan of Rubino, Ruman, Crosmer, & Polen, and for her cause of action against the defendants, Wal-Mart Stores East, LP and Walmart, Inc., states as follows:

1. That the defendant, Wal-Mart Stores East, LP, is a corporation licensed to do business in the State of Indiana.
2. That the defendant, Wal-Mart Stores East, LP, operates store #2544 (Store #2544) located at 6087 US Highway 6, Portage, IN 46368.
3. That the defendant, Walmart Inc. is located at 702 SW 8th Street, Bentonville, AZ 72712.
4. That the Defendants manufacture, distribute, and sell Great Value Cooked Shrimp in the State of Indiana.

5. That on April 16, 2020 and May 13, 2020, the plaintiff, Dineen Johnson, purchased large and extra-large frozen Great Value Cooked Shrimp, Peeled, Deveined and Tail-On from Store #2544.

6. While eating one package of the shrimp, Plaintiff Dineen Johnson encountered a black substance within the shrimp.

7. The plaintiff became ill after coming in to contact with the black substance and has required medical treatment for care of her injuries. As a direct and proximate result, she has incurred medical expenses and mental distress.

8. When the plaintiff sustained her injuries, she was a consumer and the defendants were the manufacturers, distributors, and sellers.

9. The defendants placed into the stream of commerce a product in a defective condition unreasonably dangerous to the plaintiff and, pursuant to I. C. § 34-20-2 et. seq., the defendants are strictly liable to the plaintiff for injuries and damages.

WHEREFORE, the plaintiff seeks compensatory damages which will reasonably compensate her, plus costs, including attorneys' fees for any frivolously asserted affirmative defenses, prejudgment interest and any other proper relief.

/s/ Julie A. Dugan
Julie A. Dugan, #22637-45
RUBINO, RUMAN, CROSMER,
& POLEN
Attorney for Plaintiff

COUNT II

Comes now the plaintiff, Dineen Johnson, by counsel, Julie A. Dugan of Rubino, Ruman, Crosmer, & Polen, and for her cause of action against the defendants, C.P. Food Products Inc. d/b/a Captn's Pack and C.P. Foods USA, states as follows:

1.-9. That the plaintiff adopts, realleges, and incorporates herein Paragraphs 1 through 9 of Count I of her Complaint as though fully set forth herein.

10. That the Defendants are corporations licensed to do business in the State of Indiana.

11. That the Defendants manufacture, distribute, and sell Great Value Cooked Shrimp in the State of Indiana.

12. That on April 16, 2020 and May 13, 2020, the plaintiff, Dineen Johnson, purchased large and extra-large frozen Great Value Cooked Shrimp, Peeled, Deveined and Tail-On from Store #2544.

13. While eating one package of the shrimp, Plaintiff Dineen Johnson encountered a black substance within the shrimp.

14. The plaintiff became ill after coming in to contact with the black substance and has required medical treatment for care of her injuries. As a direct and proximate result, she has incurred medical expenses and mental distress.

15. When the plaintiff sustained her injuries, she was a consumer and the Defendants were the manufacturers, distributors, and sellers.

16. The defendants placed into the stream of commerce a product in a

defective condition unreasonably dangerous to the plaintiff and, pursuant to I.C. § 34-20-2 et. seq., the defendants are strictly liable to the plaintiff for injuries and damages.

WHEREFORE, the plaintiff seeks compensatory damages which will reasonably compensate her, plus costs, including attorneys' fees for any frivolously asserted affirmative defenses, prejudgment interest and any other proper relief.

/s/ Julie A. Dugan
Julie A. Dugan, #22637-45
RUBINO, RUMAN, CROSMER,
& POLEN
Attorney for Plaintiff

JURY DEMAND

Plaintiff, by counsel, demands trial by jury.

/s/ Julie A. Dugan
Julie A. Dugan, #22637-45
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